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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 RONALD CARLOS DIAZ, Sr.
11 CDCR #F-45125,

12 Plaintiff,

13 v.

14 CALIFORNIA CORRECTIONAL
15 HEALTH CARE SERVICES, et al.,

16 Defendants.

Consolidated Civil Case No.
16cv2244 DMS (BGS)

**ORDER (1) ADOPTING REPORT
AND RECOMMENDATION, (2)
DENYING MOTION TO DISMISS,
(3) GRANTING IN PART AND
DENYING IN PART MOTION TO
AMEND AND (4) DENYING
MOTION FOR SUMMARY
JUDGMENT**

17 On August 31, 2016, Plaintiff Ronald Carlos Diaz, Sr., a state prisoner
18 proceeding pro se, filed a Complaint Under the Civil Rights Act 42 U.S.C. § 1983.
19 Plaintiff alleges his constitutional rights were violated while he was housed at Richard
20 J. Donovan Correctional Facility.

21 On November 2, 2016, the Court dismissed Plaintiff's claims against certain
22 Defendants. Thereafter, Plaintiff filed a motion to amend his Complaint, and the
23 remaining Defendant Dr. F. Sidighi filed a motion to dismiss. Plaintiff has also filed
24 a number of other miscellaneous motions, including a motion for summary judgment.

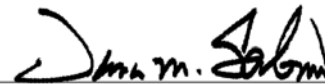
25 On August 10, 2017, Magistrate Judge Bernard G. Skomal issued a Report and
26 Recommendation ("R&R") on the various pending motions, recommending that the
27 motion to amend be granted in part and denied in part, the motion to dismiss be denied
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1 and the motion for summary judgment also be denied. No party has filed objections to
2 the R&R, and the time for doing so has expired.

3 This Court, having reviewed de novo the Magistrate Judge's R&R, adopts the
4 R&R in its entirety. Plaintiff's motion for leave to amend is granted as to Defendant
5 Newton and denied as to Defendant Laxamanna. Defendant Sidighi's motion to dismiss
6 is denied, and Plaintiff's motion for summary judgment is also denied.

7 **IT IS SO ORDERED.**

8 DATED: September 12, 2017



10 HON. DANA M. SABRAW
11 United States District Judge
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